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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Mauritania

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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1. The Government of the Islamic Republic of Mauritania reaffirms its commitment to collaborate with the universal periodic review mechanism. It believes that the mechanism plays an effective role in the promotion and protection of human rights by fostering constructive and comprehensive dialogue, and by providing opportunities for an objective assessment of the human rights situation and for the exchange of best practices in that regard.

2. The fact that Mauritania has accepted most of the recommendations is a reflection of its determination to continue consolidating human rights, thereby fulfilling the country's obligation to abide by the provisions of the Constitution and of domestic legislation currently in force. Many of the recommendations have already been implemented or are in the course of being implemented. One example of a recommendation that has been implemented is the incorporation of the definition of torture into domestic legislation. The definition contained in Act No. 033.2015 of 10 September 2015, which criminalizes torture, corresponds to that contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Action to combat early marriage is an example of a recommendation that is currently being implemented. A number of awareness-raising campaigns have been conducted in that regard and a draft Children's Code that prohibits such marriages is at an advanced stage of preparation.

3. The recommendations that have not met with the support of Mauritania are those which conflict with the Constitution or which cannot be implemented during the current phase.

4. Some of the recommendations that Mauritania has not accepted contain portions that cannot be approved or implemented because of constitutional or legal issues. Nonetheless, important parts of some of these recommendations are in fact being implemented. Examples are provided in the current document.

5. Mauritania will take account of the views of the Working Group on the Universal Periodic Review in its midterm progress report.

6. Mauritania received 200 recommendations at the twenty-third session of the Working Group on the Universal Periodic Review. Following careful scrutiny it accepted 136, including a number that have already been implemented or are in the course of being implemented. It undertook to study 6 of the remaining recommendations and rejected 58.

7. With regard to the six recommendations contained in paragraph 127 of the report of the Working Group on the Universal Periodic Review that the Government of Mauritania undertook to examine before pronouncing its views, the Government has studied them carefully in consultation with all relevant sectors and can present the following responses:

127.1: Accepted

The Government of Mauritania considers that ratification of the Convention against Discrimination in Education would support efforts to promote equality of opportunity for citizens and to increase social cohesion.

127.2: Accepted

The Government of Mauritania considers that there is no obstacle to ratification of the International Labour Organization (ILO) Domestic Workers Convention (No. 189), particularly since the spirit of the Convention is already reflected in domestic law (the Labour Code). The Government of the Islamic Republic of Mauritania is in any case committed to guaranteeing appropriate working conditions for all workers engaged in occupational activities and to guaranteeing protection of their rights. It issued Decree No.

797 of 18 August 2011 concerning domestic work just two months after the International Labour Conference adopted the aforementioned Convention.

127.3: Accepted

The Mauritanian Constitution of 1991, as amended in 2006 and in 2012, enshrines the principle that international treaties which have been duly ratified and promulgated have primacy over domestic legislation. The Government of Mauritania undertakes to approve all international treaties and conventions that do not conflict with the Constitution or with domestic legislation.

Mauritanian legislators have enacted a number of important laws aimed at aligning legislation with the provisions of relevant international human rights treaties, for example:

- Act No. 031.2015 of 10 September 2015, which criminalizes slavery and punishes acts of enslavement;
- Act No. 033.2015 of 10 September 2015;
- Act No. 034.2015 of 10 September 2015, which provides for the establishment of a national mechanism for the prevention of torture;
- Act No. 15.2005 of 15 December 2015 concerning the protection of juvenile offenders.

Furthermore, a special edition of the Official Gazette containing the most important international human rights treaties that Mauritania has ratified was published for the first time.

The Government of Mauritania undertakes to bring its legislation into line with international treaties and conventions whenever the need arises.

127.4: Accepted

See 127.3.

127.5: Not accepted

The current Nationality Act does not allow women to transfer their nationality automatically to their children.

127.6: Not accepted

The Government of Mauritania has implemented 52 of the 55 recommendations made by the Committee on the Elimination of Discrimination against Women and has set up a ministerial body whose functions include protecting the rights of women and children, especially those in difficult circumstances. However, the Government has reservations about the other three recommendations because they conflict with Mauritanian legislation.

8. The Government of Mauritania is keen to respond positively to any recommendations that may help to promote and protect human rights. It has therefore undertaken a meticulous review, together with relevant stakeholders, of the recommendations in paragraph 128 that did not enjoy the support of Mauritania during the interactive dialogue with the Working Group on the Universal Periodic Review (second cycle, November 2015), and it has now accepted 2 of the 58 recommendations in that paragraph. They are:

128.24: Accepted

See recommendations 127.3 and 127.4.

128.26: Not accepted

The Mauritanian Constitution enshrines the principle of the equality of all citizens before the law, without discrimination on grounds of gender. The Government has ratified a number of regional and international treaties concerning the rights of women and children including:

- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention on the Rights of the Child;
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
- The African Charter on the Rights and Welfare of the Child.

In addition, Mauritania has enacted many laws that protect women, girls and children. They include the following:

- The Criminal Code;
- The Act on the Suppression of Trafficking in Persons;
- The legal ordinance aimed at protecting children from crime;
- The Act that criminalizes slavery and punishes acts of enslavement;
- The Personal Status Code.

The Government has also adopted a number of policies and strategies aimed at integrating the gender dimension and combating violence against women. They include the national strategy for the promotion of women, the national gender strategy, the national strategy to promote the abandonment of female circumcision, the family policy and the national strategy for the promotion of children.

Furthermore, the Government has implemented a number of practical measures aimed at supporting women's access to justice and enabling them to benefit from legal aid with a view to securing their rights.

The part concerning marital rape cannot be accepted because it conflicts with the Mauritanian Constitution.

128.47: Accepted

All allegations of torture give rise to an administrative and judicial investigation, in accordance with Act No. 033.2015 of 10 September 2015, which criminalizes torture, and Act No. 034.2015 of 10 September 2015, which provides for the establishment of a national preventive mechanism authorized to conduct all necessary investigations in this regard. Mauritanian jurisprudence includes judgments convicting practitioners of torture and judgments acquitting accused persons on the ground that they were subjected to torture in order to extract confessions. Moreover, the Directorate General of National Security, acting in accordance with the rules of procedure of the police, has taken administrative measures following allegations of torture.